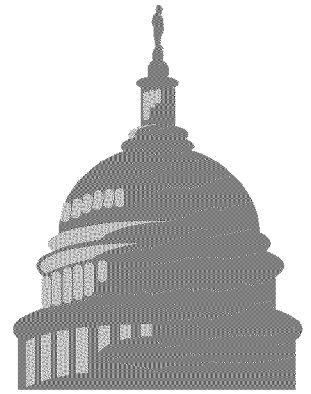

WUC

Water Utility Council of the
PA-Section, American Water
Works Association (PA-AWWA)



GOVERNMENT RELATIONS UPDATE

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*PA- Section, American Water Works Association
National Association of Water Companies
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DEP Expands Drought Watch from 27 to 37 Counties; Lack of significant precipitation major factor

Despite several recent precipitation events, portions of Pennsylvania continue to have below-average precipitation, below-average groundwater levels, and in some areas, below-average surface water levels. The Department of Environmental Protection (DEP) has expanded its drought watch declaration from 27 to 37 counties across Pennsylvania.

The 10 additional counties under the drought watch issued today are: Bedford, Blair, Centre, Franklin, Fulton, Huntingdon, Juniata, Lehigh, Mifflin, and Northampton.

The 27 counties that remain under drought watch are: Berks, Bradford, Cambria, Carbon, Clinton, Columbia, Indiana, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Westmoreland, and Wyoming. These

counties were originally put on a drought watch on March 24.

The expanded declaration was recommended following a June 8 meeting of the state's Drought Task Force. The very dry fall and below-normal precipitation from January to May continues to contribute to low groundwater and surface water levels throughout the state. Many counties, including some under drought watch, have recently had rapid, heavy rain events. These rain events cause erosion and typically do not improve conditions for ground water and soil moisture.

A drought watch declaration is the first and least-severe level of the state's three drought classifications. It calls for a voluntary five percent reduction in non-essential water use and puts large water consumers on notice to begin planning for the possibility of reduced water supplies.

All Pennsylvanians are advised to heed this drought watch by conserving their water use and consumption. To reduce their water use, residents can:

- Run water only when absolutely necessary; and avoid keeping water flowing while brushing teeth, or turning on the shower many minutes before use;

- Check for household leaks – a leaking toilet can waste up to 200 gallons of water each day;
- Run dishwashers and washing machines only with full loads;
- Replace older appliances with high-efficiency, front-loading models that use about 30 percent less water and 40 to 50 percent less energy; and
- Install low-flow plumbing fixtures and aerators on faucets.

DEP will notify all water suppliers in the affected areas of the need to monitor their supplies, particularly those that rely upon groundwater, and update their drought contingency plans as necessary.

DEP also offers water conservation recommendations and water audit procedures for commercial and industrial users, such as food processors, hotels, and educational institutions.

These recommendations and additional drought information are available by clicking [here](#) or visiting DEP's website, www.dep.state.pa.us, keyword: drought.

Source: DEP Press Release, 6/17/2015

DEP Assesses \$8.9 million Civil Penalty against Range Resources for Failure to Repair Leaking Gas Well

The Pennsylvania Department of Environmental Protection (DEP) has notified Range Resources-Appalachia, LLC, of Fort Worth, TX that it intends to assess an \$8.9 million civil penalty against the company, and has directed Range Resources to prevent methane and other substances from escaping from a leaking gas well and polluting groundwater and a stream in Lycoming County.

On May 11, 2015, DEP ordered Range Resources to submit a plan to remediate the

defectively cemented gas well. However, the company failed to submit a satisfactory plan that made necessary repairs to prevent further leaks and pollution.

"Today, we made it clear that we take seriously our responsibility to protect residents and Pennsylvania's natural resources," said DEP Secretary John Quigley. "Clean water is an important part of a strong economy and Range Resources owes it to the people of Lycoming County and surrounding areas to make the repairs necessary to immediately stop the discharge of natural gas to the waters."

The \$8.9 million civil penalty would be assessed under the Clean Streams Law and the 2012 Oil and Gas Act.

Drilling for the well took place in February and March of 2011, and fracking occurred in June 2011. Subsequent investigation revealed that methane contaminated the groundwater-fed wells of private water supplies, and a nearby stream.

Although Range Resources was issued a Notice of Violation in September 2013 for the leaking gas well, it still has not corrected the defective cement. Since that time, the private wells, a pond, and nearby streams have continued to show signs of gas migration, including increased turbidity, and the presence of iron, aluminum and manganese. Elsewhere in the area near the leaking well, foliage "dead spots" and gas escaping from the soil have been observed by DEP.

DEP's May 11, 2015 order cited Range Resources for not correcting the defective well, and ordered the company to submit and implement a plan to prevent the migration of gas or other fluids. Calling the continued gas migration "unlawful conduct and a public nuisance," DEP gave Range Resources ten days to submit a remediation plan.

Range Resources submitted a plan that proposed putting the well into production as a means to resolve the gas migration. DEP rejected that plan because it did not include making necessary repairs and has now directed the company to remediate the well in a manner that immediately ceases the discharge of methane to ground and surface water.

"Range Resources has the responsibility to eliminate the gas migration that this poorly constructed well is causing," said Quigley. "Refusing to make the necessary repairs to protect the public and the environment is not an option."

Range Resources has appealed the May 11 order to Pennsylvania's Environmental Hearing Board.

Source: DEP Press Release, 6/16/2015

DEP: Availability of Technical Guidance

The Department of Environmental Protection announced technical guidance is available for the following:

Final Technical Guidance Document:
"Pennsylvania's Capability Enhancement Program." DEP ID: 383-0400-114. Questions regarding this action should be directed to Kevin Anderson, (717) 783-9764, keanderson@pa.gov.

Final Technical Guidance Document-Minor Revision: "Training Provider Manual for the Pennsylvania Water and Wastewater System Operator Training Program." DEP ID: 391-2300-003. Questions regarding this action should be directed to William McNamara, (717) 705-6350, wmcnamara@pa.gov.

Source: PA Bulletin, 6/20/2015

DEP: Clean Water and Drinking Water State Revolving Fund Programs; Public Meeting on Federal Fiscal Year 2015 Intended Use

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (DEP) have prepared the Federal Fiscal Year (FY) 2015 Intended Use Plans (IUP). The IUPS include a list

of drinking water, wastewater treatment, nonpoint source and pollution abatement projects to be considered for a design and engineering or construction loan or grant from funds the Commonwealth expects to receive from the Federal FY 2015 Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) programs. For the purpose of receiving comments from the public, regarding the Federal FY 2015 IUPs, a public meeting has been scheduled for July 21, 2015, at 1:30 p.m. in the 2nd Floor Auditorium, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

Written comments may be submitted by the Department of Environmental Protection, Bureau of Point and Non-Point Source Management, Division of Technical and Financial Assistance, 400 Market Street, PO Box 8774, Harrisburg, PA 17101-8774. A copy of the IUPs, ranking frameworks, the PPLs and the DWSRF set-aside work plan may be obtained by contacting Veronica Kasi, Division of Technical and Financial Assistance at (717) 772-4053 or through DEP's [website](#) (select "State Revolving Fund Intended Use Plan").

Source: PA Bulletin, 6/20/2015

DEP: Draft Nonpoint Source Management Plan – 2014 Update; Availability for Public Comment

The Department of Environmental Protection (DEP) is providing its draft Nonpoint Source Management Plan—2014 Update (Management Plan) for public comment. The Management Plan includes a narrative description of significant efforts taking place in this Commonwealth to address nonpoint source pollution, and milestones set to demonstrate progress in addressing nonpoint source pollution in this Commonwealth. The draft Management Plan is available on DEP's [website](#) (DEP Keywords: NPS Management Plan). Written comments on this draft Management Plan may be submitted using DEP's eComment at www.ahs.dep.pa.gov/eComment, or submitted to the Policy Office, Department of

Environmental Protection, Rachel Carson State Office Building, PO Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov .

Source: PA Bulletin, [6/20/2015](#)

EQB: Meeting Cancellation

The July 21, 2015, meeting of the Environmental Quality Board (EQB) is cancelled. The next regular EQB meeting is scheduled for Tuesday, August 18, 2015, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg. The agenda and meeting materials for the August 18, 2015, meeting will be available on the Department of Environmental Protection's [website](#) (Select "Public Participation Center," then "The Environmental Quality Board," then "EQB Meeting Schedule 2015"). Questions concerning the EQB's next scheduled meeting may be directed to Laura Edinger, (717) 783-8727, ledinger@pa.gov .

Source: PA Bulletin, [6/20/2015](#)

Update on Aftermath of Miller Chemical Fire; DEP Continues to Monitor Cleanup Efforts

The Department of Environmental Protection (DEP) today issued the following update on the cleanup efforts and environmental impacts of last week's fire at Miller Chemical, a fertilizer plant in Adams County. Miller Chemical is a manufacturer of water soluble fertilizers used for commercial agricultural crops as well a supplier of soil mixtures. Due to the large amount of water used in firefighting efforts, contaminated runoff had a significant impact to Slagle's Run and the South Branch of the Conewago Creek.

- More than two inches of rain fell on the cleanup site this week and pushed the on-site containment measures to capacity. Thursday's rain caused a contaminated runoff retention

trench to overflow and the water breached an earthen embankment.

- As of Friday morning, runoff was again entering Slagle's Run. Impacts from the runoff are expected to be minor.
- Results of samples taken Thursday night indicate concentrations of contaminants in the contained water are greatly reduced from what was in the firefighting runoff.
- With more heavy rain expected this weekend, additional efforts are being taken to increase on-site storage capacity. These efforts include increasing the number of onsite storage tanks and limiting stormwater entering the site.
- Efforts are being made to remove contaminated runoff water currently onsite for proper treatment and disposal. Trucks are on standby waiting to start moving material off site as soon as a disposal option is finalized. This would free up additional storage capacity.
- While the Conewago Creek is no longer discolored from firefighting runoff, the recent rainfall has increased turbidity (cloudiness) levels in the creek. Citizens should refrain from recreating or fishing in the creek.
- The New Oxford Municipal Authority's (NOMA) water intake located on the South Branch of the Conewago Creek was shut down during the fire and remains closed. New Oxford is receiving water through an interconnection with the York Water Company and other outside sources. Mandatory restrictions remain in place and have been effective in allowing NOMA to meet the immediate needs of its customers.
- East Berlin, located downstream on the Conewago, is operating all five of its wells. No problems were observed. Two of its wells closest to the creek had been taken out of service as a precaution.

- No significant impacts to the Susquehanna River have been observed. There is no discoloration to the river water.
- DEP staff is reaching out to all of the public water suppliers. Wrightsville is the nearest downstream public water system that draws water from the Susquehanna River. Results of samples taken at Wrightsville show normal background readings. Wrightsville has turned its pumps on and is again pumping water from the river.
- Lancaster and Columbia also draw water from the Susquehanna River. Both operators report no significant changes to the condition of their raw water. Sample results show normal background concentrations for the current condition of the river after recent rain.
- While DEP does not regulate private wells, the department shared with the federal Environmental Protection Agency information from local citizens who were concerned about possible impacts to their wells. On Tuesday, EPA took samples from four wells it had identified as most likely to be impacted by contaminated runoff. Preliminary results from those samples indicated levels did not exceed the Maximum Contaminant Levels (MCL).
- Owners of private wells should continue to monitor their water. If an owner of a private well wishes to take further action they can work with a private lab to monitor for Nitrate, Nitrite, Iron, Manganese and Total Organic Carbon (TOC).

For more information on private drinking wells visit [here](#).

Source: DEP Press Release, 6/19/2015

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This newsletter provides general information, not legal advice as to any specific matter. It should not be used as a substitute for appropriate legal advice.